



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB1914

Introduced 2/10/2011, by Sen. John M. Sullivan

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/21-3

from Ch. 38, par. 21-3

Amends the Criminal Code of 1961 relating to criminal trespass to real property. Provides that notice that entry to the property is forbidden may be posted by the owner or lessee of the property by placing identifying purple marks on trees or posts around the area to be posted. Prescribes the requirements for the purple marks. Provides that prior to applying a cap or mark which is visible from both sides of a fence shared by different property owners or lessees, all such owners or lessees shall concur in the decision to post their own property. Effective immediately.

LRB097 08157 RLC 48280 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 21-3 as follows:

6 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

7 Sec. 21-3. Criminal trespass to real property.

8 (a) Except as provided in subsection (a-5), whoever:

9 (1) knowingly and without lawful authority enters or  
10 remains within or on a building; or

11 (2) enters upon the land of another, after receiving,  
12 prior to such entry, notice from the owner or occupant that  
13 such entry is forbidden; or

14 (3) remains upon the land of another, after receiving  
15 notice from the owner or occupant to depart; or

16 (3.5) presents false documents or falsely represents  
17 his or her identity orally to the owner or occupant of a  
18 building or land in order to obtain permission from the  
19 owner or occupant to enter or remain in the building or on  
20 the land;

21 commits a Class B misdemeanor.

22 For purposes of item (1) of this subsection, this Section  
23 shall not apply to being in a building which is open to the

1 public while the building is open to the public during its  
2 normal hours of operation; nor shall this Section apply to a  
3 person who enters a public building under the reasonable belief  
4 that the building is still open to the public.

5 (a-5) Except as otherwise provided in this subsection,  
6 whoever enters upon any of the following areas in or on a motor  
7 vehicle (including an off-road vehicle, motorcycle, moped, or  
8 any other powered two-wheel vehicle) after receiving, prior to  
9 that entry, notice from the owner or occupant that the entry is  
10 forbidden or remains upon or in the area after receiving notice  
11 from the owner or occupant to depart commits a Class A  
12 misdemeanor:

13 (1) A field that is used for growing crops or that is  
14 capable of being used for growing crops.

15 (2) An enclosed area containing livestock.

16 (3) An orchard.

17 (4) A barn or other agricultural building containing  
18 livestock.

19 (b) A person has received notice from the owner or occupant  
20 within the meaning of Subsection (a) if he has been notified  
21 personally, either orally or in writing including a valid court  
22 order as defined by subsection (7) of Section 112A-3 of the  
23 Code of Criminal Procedure of 1963 granting remedy (2) of  
24 subsection (b) of Section 112A-14 of that Code, or if a printed  
25 or written notice forbidding such entry has been conspicuously  
26 posted or exhibited at the main entrance to such land or the

1 forbidden part thereof. In addition to the posting of real  
2 property as set forth in this subsection (b), the owner or  
3 lessee of any real property may post the property by placing  
4 identifying purple marks on trees or posts around the area to  
5 be posted. Each purple mark shall be:

6 (1) A vertical line of at least 8 inches in length and the  
7 bottom of the mark shall be no less than 3 feet nor more than 5  
8 feet high. Such marks shall be placed no more than 100 feet  
9 apart and shall be readily visible to any person approaching  
10 the property; or

11 (2) A post capped or otherwise marked on at least its top 2  
12 inches. The bottom of the cap or mark shall be not less than 3  
13 feet but not more than 5 feet 6 inches high. Posts so marked  
14 shall be placed not more than 36 feet apart and shall be  
15 readily visible to any person approaching the property. Prior  
16 to applying a cap or mark which is visible from both sides of a  
17 fence shared by different property owners or lessees, all such  
18 owners or lessees shall concur in the decision to post their  
19 own property.

20 (c) This Section does not apply to any person, whether a  
21 migrant worker or otherwise, living on the land with permission  
22 of the owner or of his agent having apparent authority to hire  
23 workers on such land and assign them living quarters or a place  
24 of accommodations for living thereon, nor to anyone living on  
25 such land at the request of, or by occupancy, leasing or other  
26 agreement or arrangement with the owner or his agent, nor to

1 anyone invited by such migrant worker or other person so living  
2 on such land to visit him at the place he is so living upon the  
3 land.

4 (d) A person shall be exempt from prosecution under this  
5 Section if he beautifies unoccupied and abandoned residential  
6 and industrial properties located within any municipality. For  
7 the purpose of this subsection, "unoccupied and abandoned  
8 residential and industrial property" means any real estate (1)  
9 in which the taxes have not been paid for a period of at least 2  
10 years; and (2) which has been left unoccupied and abandoned for  
11 a period of at least one year; and "beautifies" means to  
12 landscape, clean up litter, or to repair dilapidated conditions  
13 on or to board up windows and doors.

14 (e) No person shall be liable in any civil action for money  
15 damages to the owner of unoccupied and abandoned residential  
16 and industrial property which that person beautifies pursuant  
17 to subsection (d) of this Section.

18 (f) This Section does not prohibit a person from entering a  
19 building or upon the land of another for emergency purposes.  
20 For purposes of this subsection (f), "emergency" means a  
21 condition or circumstance in which an individual is or is  
22 reasonably believed by the person to be in imminent danger of  
23 serious bodily harm or in which property is or is reasonably  
24 believed to be in imminent danger of damage or destruction.

25 (g) Paragraph (3.5) of subsection (a) does not apply to a  
26 peace officer or other official of a unit of government who

1 enters a building or land in the performance of his or her  
2 official duties.

3 (h) A person may be liable in any civil action for money  
4 damages to the owner of the land he or she entered upon with a  
5 motor vehicle as prohibited under subsection (a-5) of this  
6 Section. A person may also be liable to the owner for court  
7 costs and reasonable attorney's fees. The measure of damages  
8 shall be: (i) the actual damages, but not less than \$250, if  
9 the vehicle is operated in a nature preserve or registered area  
10 as defined in Sections 3.11 and 3.14 of the Illinois Natural  
11 Areas Preservation Act; (ii) twice the actual damages if the  
12 owner has previously notified the person to cease trespassing;  
13 or (iii) in any other case, the actual damages, but not less  
14 than \$50. If the person operating the vehicle is under the age  
15 of 16, the owner of the vehicle and the parent or legal  
16 guardian of the minor are jointly and severally liable. For the  
17 purposes of this subsection (h):

18 "Land" includes, but is not limited to, land used for  
19 crop land, fallow land, orchard, pasture, feed lot, timber  
20 land, prairie land, mine spoil nature preserves and  
21 registered areas. "Land" does not include driveways or  
22 private roadways upon which the owner allows the public to  
23 drive.

24 "Owner" means the person who has the right to  
25 possession of the land, including the owner, operator or  
26 tenant.

1           "Vehicle" has the same meaning as provided under  
2           Section 1-217 of the Illinois Vehicle Code.

3           (Source: P.A. 94-263, eff. 1-1-06; 94-509, eff. 8-9-05; 94-512,  
4           eff. 1-1-06; 95-331, eff. 8-21-07.)

5           Section 99. Effective date. This Act takes effect upon  
6           becoming law.